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**JAN 21 2004**

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DATE: 1/21/2004

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TO: EXAMINER NEIL LEVY

GROUP ART UNIT 1616

COMPANY: MAIL STOP BOX AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
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**TOTAL PAGES INCLUDING COVER**

16

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FROM: MARILYN J. MAUE

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=====

MESSAGE: DOCKET NO. FDN-2717- SERIAL NO. 10/077,612

ATTACHMENT AMENDMENT DATED NOVEMBER 10, 2003 AND POSTAL STAMPED RECEIPT CARD  
STAMPED NOVEMBER 12, 2003 AND COPY OF FINAL OFFICE ACTION DATED OCTOBER 23, 2003

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RECEIPT OF THE DOCUMENTS ATTACHED

Atty's Docket No. FDN-2717

Applicant: Kolazi S. Narayanan et al

Ser. No. 10/077,612

Title: Gel Inhibited Liquid Carrier for Biocide  
Containing a Carbodiimide and an Emulsifier Mixture

Documents Attached:

AMENDMENT AFTER FINAL REJECTION

Date: 11/10/2003  
Atty: MJM

*Postal Card as Proof that  
our Amendment was  
received in P. O. on Nov 12, 2003*



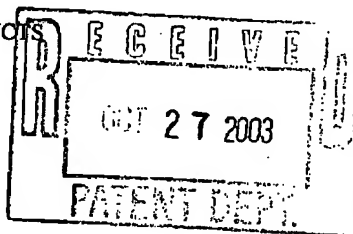
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,612	02/15/2002	Kolazi S. Narayanan	FDN-2717	2875

7590 10/23/2003

Attn: William J. Davis, Esq.  
INTERNATIONAL SPECIALTY PRODUCTS  
Legal Department, Building No. 10  
1361 Alps Road  
Wayne, NJ 07470



EXAMINER
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LEVY, NEIL S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

 This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**OFFICE ACTION SUMMARY**
☒ Responsive to communication(s) filed on 7/17/03
☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

 A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**
☒ Claim(s) 1-30 is/are pending in the application.

 Of the above, claim(s) 1-6, 23-27 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 7, 9-19, 22 is/are rejected.

☒ Claim(s) 8, 20, 21, 28-30 is/are objected to.

☒ Claims 1-30 are subject to restriction or election requirement.

**Application Papers**
☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**
☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**
☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 23-27 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3.

This application contains claims 1-6, 23-27 is drawn to an invention nonelected with traverse in Paper No. 3. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“Having a propensity –” is not definitive it is not at all evident how one would identify or determine this propensity – this is a descriptive element given no patentable weight as to defining the meets and bounds of the claimed concentrate or solution.

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Note also, no carrier or vehicle is identified for the solution, as only a, b, c, d, e are specified.

Claims 7, 9 – 19, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/18782.

The rejection of record is maintained.

Jon also uses molecular ~~oxides~~ <sup>oxides</sup> containing the oxides inclusive of instant 18, 19.

Applicant's arguments filed on 7/1/03 have been fully considered but they are not persuasive. Applicant's arguments are curving any to the extent resulting in withdrawn of rejection under Jon. Claims 18, 19 are now considered.

Claims 8, 20, 21 and 28-30 now would be allowable if written in independent form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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12/2/03

203-308  
2412  
Neil Levy  
10/077,612

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Art Unit: 1616

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is (703) 308-2412. The examiner can normally be reached on Tuesday through Friday 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Levy/LR  
October 3, 2003



NEIL S. LEVY  
PRIMARY EXAMINER